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In re Application of
Yamauchi et al.

Application No. 10/583,286

PCT No.: PCT/JP04/18923

Int. Filing Date: 17 December 2004

Priority Date: 17 December 2003

Att. Docket No.: IWI-16646

For: Method For Analyzing Proteins

COMMUNICATION

This is in response to the petition under 37 CFR 1.182 filed on 02 May 2007.

BACKGROUND

This international application was filed on 17 December 2004, claimed an earliest priority date of 17 December 2003, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 30 June 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 June 2006 (since 17 June 2006 was a Saturday). Applicants filed, *inter alia*, the basic national fee on 16 June 2006.

On 16 March 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h). It was noted that "The family name of the 2nd inventor doesn't correspond with the name on the published application."

DISCUSSION

Inspection of the declaration filed on 16 June 2006 reveals that it nominates SHINKAWA Takashi" in place of "ARAKAWA, Takashi" who is nominated in the published international application. MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. See also MPEP § 201.03(b). Petitioner has filed such a petition (and fee). Said petition indicates that the discrepancy in the name of the second-nominated inventor arose from a translation error. In support of this assertion, the petition is accompanied by a copy of a page from an allegedly "corresponding Canadian Patent Application" showing the surname Shinkawa. Petitioner has also provided a letter signed by Yuji IWAHASHI stating that "The correct name of the second inventor is 'Takashi SHINKAWA'," and indicating that "In Japan, about the name of

a parson, the reading of Chinese Characters are various and it is not indicated in the certificate by a notary public.”

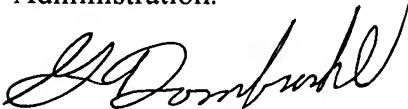
The evidence of record is not sufficient to establish that the correct name of the second-nominated inventor is in fact Takashi SHINKAWA as opposed to Takashi ARAKAWA. Rather, petitioner should furnish a statement executed by the inventor in question attesting that his correct name is Shinkawa, and that he is the same person named as Arakawa in the published international application.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this Decision to file a response, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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